



UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of:

Applicant: MERKEL
Serial No.: 10/018,651
Filed: March 1, 2002

**PETITION FOR AN UNINTENTIONALLY DELAYED
BENEFIT CLAIM UNDER 37 CFR 1.78**

September 21, 2004

Applicant herewith petitions for an order granting applicant the benefit of the priority claim set forth in the attached Declaration, Power of Attorney and Petition for a Continuation-in-Part Patent Application.

Applicant is attempting to convert the subject patent application into a Continuation-in-Part application of a patent which was pending as a pending application during the pendency of the subject application.

Applicant is attempting to do so in order to overcome a reference cited by the Examiner.

Applicant herewith states that the entire delay from the date of possible claiming or priority to the date of this Petition was unintentional.

MAIL STOP DAC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 9/21/04
On _____

It is requested that any fee be debited to the account of the undersigned,

#19-4675.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
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